

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

**DR. JEROME CORSI and
LARRY KLAYMAN,**

Plaintiffs,

vs.

**INFOWARS, LLC, FREE SPEECH
SYSTEMS, LLC, ALEX E. JONES, DAVID
JONES, OWEN SHROYER, and ROGER
STONE,**

Defendants.

CAUSE NO. 1:20-CV-00298-LY-AWA

**DEFENDANTS' JOINT
DESIGNATION OF WITNESSES,
EXPERTS, AND EXHIBITS**

Pursuant to the Scheduling Order, § 2 (Dkt. No. 46), Defendants Infowars, LLC, Free Speech Systems, LLC, Alex E. Jones, Owen Shroyer, David Jones, and Roger Stone, ("Defendants") by and through their undersigned counsel of record, hereby designate their potential witnesses, testifying experts, and proposed exhibits as follows:¹

1. Potential Witnesses

Defendants designate the following potential witnesses:

- a. Larry Klayman;
- b. Jerome Corsi;
- c. Roger Stone;
- d. Alex Jones;
- e. Owen Shroyer;
- f. David Jones;
- g. Dina James c/o Larry Klayman;

¹ Defendants note that Plaintiffs failed to make their required designations as required by November 1, 2020. In the absence of witnesses and exhibits, they cannot present any evidence in support of their claims or damages, and such claims should, therefore, be dismissed with prejudice. In the alternative, the Court should dismiss this matter for want of prosecution.

- h. Oliver Peer c/o Larry Klayman;
- i. Thomas Fitton of Judicial Watch;
- j. Any witnesses identified by any party or third-party in discovery; and
- k. Any witnesses identified in the Amended Complaint.

Defendants reserve the right to supplement this list upon discovery or should Plaintiffs be permitted to designate any witnesses, despite their failure to do so by their November 1, 2020 deadline.

2. Testifying Experts

Defendants designate no testifying experts at this time, but reserve the right to supplement this designation as to any expert, whether initial or rebuttal, should Plaintiffs be permitted to designate any expert witnesses, despite their failure to do so by their November 1, 2020 deadline.²

3. Proposed Exhibits

Defendants designate the following proposed exhibits:

- a. The October 26, 2018 Video as referenced in the Amended Complaint;
- b. The January 18, 2019 Video as referenced in the Amended Complaint;
- c. The January 17, 2019 Video as referenced in the Amended Complaint;
- d. The January 21, 2019 Video as referenced in the Amended Complaint;
- e. Any documents referenced in the Amended Complaint;
- f. The complete docket and filings in *Larry Klayman v. Roger Stone*, CACE19002672, Broward County (Fla. 17th Jud. Cir. filed Feb. 5, 2019);
- g. The complete docket and filings in *Larry Klayman v. Infowars, et al.*, Case No. 0:20-cv-61912 (S.D. Fla.);
- h. The complete docket and filings in *Larry Klayman v. Roger Stone*, CACE19011394 Broward County (Fla. 17th Jud. Cir. filed May 28, 2019);
- i. The complete docket and filings in *Dr. Jerome Corsi vs. Roger Stone, Newsmax Media, Inc., Christopher Ruddy, Cassandra Fairbanks, John Cardillo, & John Bachman*, Case No. 50-2019-CA-013711-XXXX-MB, Palm Beach County (Fla. 15th Jud. Cir. filed Oct. 23, 2019);

² No Rule 26(a)(2)(B) disclosure is being made in light of the non-designation of any expert at this time, but Defendants reserve the right to make such disclosure in the event Plaintiffs are belatedly permitted to designate any expert.

- j. The complete docket and filings in *Larry Klayman v. Roger Stone, Peter T. Santilli, and Deborah Jordan*, 50-2019-CA-015104-XXXX-MB, Palm Beach County (Fla. 15th Jud. Cir. filed Nov. 25, 2019);
- k. The complete docket and filings in *Dr. Jerome Corsi vs. Roger Stone*, CACE20004473, Broward County (Fla. 17th Jud. Cir. filed Mar. 11, 2020);
- l. The complete docket and filings in *Corsi v. Newsmax Media, et al.*, Case No. 9:20-cv-81396-RAR (S.D. Fla. removed Aug. 25, 2020);
- m. The complete docket and filings in *Klayman v. Infowars, et al.*, Case No. 9:20-cv-80614-RKA (S.D. Fla. filed Apr. 8, 2020);
- n. The complete docket and filings in *Corsi v. Stone*, Case No. 1:19-cv-00324 (D.D.C. filed Feb. 7, 2019);
- o. The complete docket and filings in *Corsi & Klayman v. Caputo & Stone.*, Case No. 1:19-cv-01573 (D.D.C. removed May 29, 2019);
- p. Corporate documents identifying the owners/members of Free Speech Systems, LLC;
- q. Corporate documents identifying the owners/members of InfoWars, LLC;
- r. *In re Bundy*, 840 F.3d 1034(9th Cir. 2016);
- s. *Stern v. Burke*, 867 N.Y.S.2d 20 (Sup. Ct. 2008);
- t. *Wire Rope Importers' Ass'n v. United States*, 18 C.I.T. 478(Ct. Int'l Trade 1994);
- u. *Material Supply Int'l, Inc. v. Sunmatch Indus., Co.*, No. Civ. A. 94-1184, 1997 WL 243223 (D.D.C. May 7, 1997), *aff'd in part and reversed in part*, 146 F.3d 983 (D.C. Cir. 1998);
- v. *Alexander v. FBI*, 186 F.R.D. 197 (D.D.C. 1999);
- w. *Judicial Watch of Fla., Inc. v. U.S. Dep't of Justice*, 159 F.Supp.2d 763 (D.D.C. 2001);
- x. *Dely v. Far E. Shipping Co.*, 238 F.Supp.2d 1231 (W.D. Wash. 2003);
- y. *Klayman v. City Pages*, 650 Fed. Appx. 744 (11th Cir. 2016);
- z. *In re Klayman*, 228 A.3d 713 (D.C. 2020);
- aa. *In re Klayman*, 17-BD-063, Report & Recommendation (Oct. 2, 2020);
- bb. *Farah v. Esquire Magazine, Inc.*, 863 F. Supp. 2d 29, 37 (D.D.C. 2012), *aff'd sub nom. Farah v. Esquire Magazine*, 736 F.3d 528 (D.C. Cir. 2013);
- cc. Letter from Special Counsel to David E. Gray, November 2018, draft re: Corsi plea agreement. Case 1:20-cv-00298-LY Document 70-2 Filed 09/16/20;

dd. Any and all documents referenced in the Amended Complaint; and

ee. Any and all documents produced by any party or third-party in discovery in this matter.

Defendants reserve the right to supplement this list upon discovery or should Plaintiffs be permitted to designate any proposed exhibits, despite their failure to do so by their November 1, 2020 deadline.

Dated: December 1, 2020

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (*pro hac vice*)

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Civil Action No.: 1:20-CV-00298-LY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of December, 2020, a true and correct copy of the foregoing document is being served via Notice of Electronic Filing through the Court's the CM/ECF system per Local Rule CV-5(a)(3).

Respectfully Submitted,

/s/Marc J. Randazza

Marc J. Randazza